

1                                   **STATE OF NEW MEXICO**  
2                                   **BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD**

3   **IN THE MATTER OF:**

4   **PROPOSED NEW REGULATION**

5   **20.2.50**

**No. EIB 21-27 (R)**

6   ***Oil and Gas Sector – Ozone Precursor Pollutants***  
7

8                                   **NMOGA’S LDAR PROXIMITY PROPOSAL**

9           The New Mexico Oil & Gas Association has indicated on the record that it is prepared to  
10   conduct weekly Audio, Visual and Olfactory (AVO) inspections and quarterly Leak Detection and  
11   Repair inspections on well sites within 1,000 feet of occupied areas. To that end, NMOGA has  
12   prepared the following language to assist the Environmental Improvement Board in its  
13   deliberations. As testified by John Smitherman, NMOGA believes this is a reasonable approach  
14   that serves the interests of all stakeholders.  
15

16   **20.2.50.7           DEFINITIONS**

17           HH. "Occupied area" means (1) a building or structure used as a place of residency by a person, a family,  
18   or families. The term includes manufactured, mobile, and modular homes, except to the extent that any such  
19   manufactured, mobile, or modular home is intended for temporary occupancy or for business purposes; (2) indoor or  
20   outdoor spaces associated with a school that students use commonly as part of their curriculum or extracurricular  
21   activities; (3) five thousand (5,000) or more square feet of building floor area in commercial facilities that are  
22   operating and normally occupied during working hours; and (4) an outdoor ~~place of public assembly, venue or~~  
23   ~~recreation area, such as a playground, permanent sports field, amphitheater, or other similar place of outdoor public~~  
24   ~~assembly.~~  
25

26   **20.2.50.116       EQUIPMENT LEAKS AND FUGITIVE EMISSIONS:**

27           ...

28           **C. Default Monitoring Requirements**

29           ...

30                   (2)   The owner or operator of a wellhead site with an annual average daily production of  
31   ~~equal to or less than 60,000 standard cubic feet per day of natural gas~~ or average daily throughput of equal to or less  
32   than 60,000 standard cubic feet per day of natural gas shall, at least monthly, conduct an audio, visual, and olfactory  
33   (AVO) inspection of thief hatches, closed vent systems, pumps, compressors, pressure relief devices, open-ended

1 valves or lines, valves, flanges, connectors, piping, and associated equipment to identify a defect and leaking  
2 component as specified in Subparagraphs (a) through (e) of Paragraph (1) of Subsection (C) of 20.2.50.116 NMAC,  
3 except that an owner or operator of a wellhead site within 1,000 feet (as measured from the center of the wellhead  
4 site to the applicable structure or outdoor public assembly place) of an occupied area shall conduct the AVO  
5 inspection at least weekly.  
6

7 (3) The owner or operator of the following facilities shall conduct an inspection using  
8 U.S.EPA method 21 or optical gas imaging (OGI) of thief hatches, closed vent systems, pumps, compressors,  
9 pressure relief devices, open-ended valves or lines, valves, flanges, connectors, piping, and associated equipment to  
10 identify leaking components at a frequency determined according to the following schedules:

- 11 (a) for ~~wellhead sites~~well production facilities or tank battery facilities:  
12 (i) annually at facilities with a PTE less than ~~10~~two tpy VOC;  
13 (ii) semi-annually at facilities with a PTE equal to or greater than ~~two~~10  
14 tpy and less than five25 tpy VOC; and  
15 (iii) quarterly at facilities with a PTE equal to or greater than ~~five~~25 tpy  
16 (b) for gathering and boosting sites, gas processing plants, and transmission  
17 compressor stations  
18 (i) ~~quarterly~~semi-annually at facilities with a PTE less than 25 tpy VOC;  
19 and  
20 (ii) ~~monthly~~quarterly at facilities with a PTE equal to or greater than 25  
21 tpy VOC  
22 (c) quarterly for wellhead sites within 1,000 feet as measured from the center of the  
23 wellhead site to the applicable structure or outdoor public assembly place of an occupied  
24 area.  
25

26 (4) The owner or operator of a wellhead site subject to the requirements contained in  
27 Subparagraph (c) of Paragraph (3) of Subsection (C) of 20.2.50.116 NMAC must conduct an evaluation to  
28 determine applicability within 30 days of the commencement of operation of~~construction~~ a new wellhead site and  
29 for an existing wellhead site within ~~120~~90 days following the effective date of this Part. An evaluation must be  
30 conducted once per calendar year thereafter for new and existing wellhead sites. Homeowners within 1000 feet of a  
31 wellhead site may contact NMED to request an owner or operator conduct the evaluation required by this Part. For  
32 any new or existing wellhead site where the owner or operator ~~who~~ elects to conduct LDAR consistent with  
33 20.2.50.116.C(3)(c) NMAC and AVO at a wellhead site within 1,000 feet of an occupied area as set forth in  
34 20.2.50.116(C)(2) NMAC, this evaluation is not required.

35 (5) An owner or operator with a wellhead site within 1,000 feet of an occupied area shall be  
36 exempt from compliance with 20.2.50.116.C(3)(c) NMAC and the weekly AVO in 20.2.50.116(C)(2) NMAC if the  
37 owner of the occupied area is also the owner or operator of the wellhead site or is an affiliate of the owner or  
38 operator of the wellhead site.  
39

40 Respectfully submitted,

41 HISER JOY, PLC

42 By: /s/ Eric L. Hiser

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1 **CERTIFICATE OF SERVICE**

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3 I hereby certify that on October 1, 2021, a true and correct copy of the foregoing **LDAR**

4 ***Proximity Proposal*** was served via electronic mail to the following:

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